



Montana Legislature

Senate Agriculture, Livestock, and Irrigation Committee

SENATE AGRICULTURE

EXHIBIT NO. 1

DATE 4-7-09 Helena, MT 59620-1706

(406) 444-3064

BILL NO. HB 445 FAX (406) 444-3036

TO: Montana Farmers Union
Montana Grain Growers Association
Montana Ag Business Association
Women Involved in Farm Economics
Alternative Energy Resources Organization
Montana Organic Association
Montana Dakota Beet Growers
Northern Plains Resource Council
Montana Seed Growers Association
Montana Stockgrowers Association
Montana Cattlemen's Association
Grow Montana
Growers for Biotechnology
Mountain States Beet Growers
Montana Farm Bureau Federation

FROM: Sen. Donald Steinbeisser, Chairman
Senate Agriculture, Livestock, and Irrigation Committee

RE: House Bill No. 445/Patented Plants

DATE: April 2, 2009

On behalf of the Senate Agriculture, Livestock, and Irrigation Committee, I am writing to encourage you to work together to develop consensus legislation addressing the issues raised in House Bill No. 445 during this legislative session.

As the Senate hearing on this bill showed, strong feelings exist on this topic. Committee members felt that because of the lack of common ground on the issues involved, action on this topic needs to wait until the parties have time to work together to see if they can come to agreement on legislation that could be presented to the 2011 Legislature.

It appeared that some of the topics that need to be addressed include:

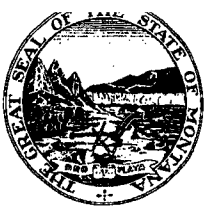
- the jurisdiction for any legal actions involving patented plants;
- the type of notification that property owners should receive before an inspection;
- the role of the Montana Department of Agriculture in any inspections; and
- the issue of residual seeds.

Our committee cannot make promises for any future legislature on how a consensus bill would be received. However, because this has been an ongoing issue in recent legislative sessions, we do believe that it's time for the interested parties to see if they can find areas of common interest and agree on how to address the important issues that are involved in patented plants.

Therefore we urge you to work together over the next 18 months and come back with a consensus proposal that may be acceptable to members of the 63rd Legislature. We've asked the Department of Agriculture to organize an initial meeting of interested parties, and we hope you participate when you receive notice of the meeting.

c: Monsanto
Western Plant Breeders
BASF
Agriculture Director Ron de Yong

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Senate Agriculture, Livestock, and Irrigation Committee

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April 2, 2009

Ron de Yong, Director
Department of Agriculture
P.O. Box 200201
Helena, MT 59620-0201

Dear Director de Yong,

On behalf of the Senate Agriculture, Livestock, and Irrigation Committee, I am writing to encourage you to have your department serve as a facilitator in discussions among the various groups interested in the issues involving patented plants that were raised by House Bill 445.

As the Senate hearing on the bill showed, strong feeling exist on this topic. In addition, proponents and opponents appeared to have little common ground.

Our Senate committee tabled the bill because members felt a better solution could be reached if all parties participate in talks over the next 18 months, in an effort to develop consensus legislation that could be brought to the 63rd Legislature in 2011.

We understand that the Department of Agriculture may not feel comfortable in taking an active role in participating in the policy-making aspects of this process. But we do ask that the Department participate to the extent it can, including arranging an initial meeting of the interested parties, distributing agendas and minutes, providing legal advice when requested, and assisting with other administrative tasks as requested.

Committee members believe that both Montana's farmers and biotechnology companies would be well served by resolution of the issues raised in HB 445, and we hope that the Department will take on the role of facilitator to help the process move forward.

Thank you for your consideration.


Sen. Donald Steinbeisser, Chairman

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